

Southern District  
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*Southern District of New York*  
Jennifer L. Brown  
*Attorney-in-Charge*

*By e-mail and by ECF<sup>1</sup>*

So ordered.

/s/ Hon. Alvin K. Hellerstein  
May 12, 2021

Re: *United States v. David Wagner*, 19 Cr. 437 (AKH)

Dear Judge Hellerstein:

I write to respectfully request that the Court extend Mr. Wagner's surrender date by around three and a half months to allow him to undergo necessary surgery, and to recover from that surgery before his incarceration begins. The earliest date Mr. Wagner could get to have the surgery performed was September 27, 2021, and he will need around 30 days to recover. Accordingly, we request a new surrender date of October 26, 2021. The Government – per Assistant U.S. Attorney Sagar Ravi – takes no position on this request.

On January 11, 2021, the Court sentenced Mr. Wagner to 72 months' imprisonment, and set a surrender date of June 15, 2021. [REDACTED]

referred Mr. Wagner [REDACTED]. See appointment confirmation, attached as Exhibit A. The earliest referral date available was April 14, 2021. *Id.*

We expected that Mr. Wagner's follow-up surgery would thus be performed soon after the referral date, but the earliest date available was September 27, 2021. *See* letter of Dr. Karl Breuing, dated April 23, 2021, attached as Exhibit B.

<sup>1</sup> Information concerning sensitive medical information has been redacted in the public filing of this letter.

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Accordingly, we respectfully request that the Court extend Mr. Wagner's surrender date to October 26, 2021 to allow him to have this necessary surgery. An extension is necessary here given Mr. Wagner's age (66), other significant medical conditions, *see* PSR ¶¶ 125-131, and the length of the sentence imposed.

Thank you for your consideration of this request. Please let me know if the Court has any questions or needs any additional information.

Respectfully submitted,

/s/

\_\_\_\_\_  
Martin S. Cohen  
Ass't Federal Defender  
Tel.: (212) 417-8737

cc: Jilan Kamal and Sagar Ravi, Esqs., by e-mail

## Exhibit A



## Exhibit B

